

S. REP. 99-458, S. Rep. No. 458, 99TH Cong., 2ND Sess. 1986, 1986 U.S.C.C.A.N. 5319, 1986 WL 31939 (Leg.Hist.)

(Cite as: S. REP. 99-458, 1986 U.S.C.C.A.N. 5319)

[P.L. 99-565](#), \*\*5319 GREAT BASIN NATIONAL PARK ACT OF 1986

DATES OF CONSIDERATION AND PASSAGE

Senate September 30, October 9, 1986

House October 6, 1986

Senate Report (Energy and Natural Resources Committee) No. 99-458,  
Sept. 19, 1986 [To accompany S. 2506]

Cong. Record Vol. 132 (1986)

Related Reports:

House Report (Interior and Insular Affairs Committee) No. 99-427,  
Dec. 10, 1985; Apr. 21, 1986 [To accompany H.R. 3302]

No House Report was submitted with this legislation.

SENATE REPORT NO. 99-458

September 19, 1986

\*1 The Committee on Energy and Natural Resources, to which was referred the bill (S. 2506), to establish the Great Basin National Park in the State of Nevada, and for other purposes, having considered the same, report favorably thereon with an amendment to the text and recommend that the bill (as amended) do pass.

\* \* \* \* \*

### \*3 PURPOSE OF THE MEASURE

S. 2506. as reported, would transfer approximately 44,000 acres of land within the Humboldt National Forest to the National Park Service to establish the Great Basin National Park in the State of Nevada.

### BACKGROUND AND NEED

The Great Basin covers some 220,000 square miles of western desert. It is known as the Great Basin because all of the drainage systems are internal.

There are many outstanding resources in the Great Basin physiographic region, particularly around the Wheeler Peak area. The bristlecone pine growing at the timberline is believed to be the oldest living species of tree, older than the giant sequoia and the redwood. The unusually high elevation of the Snake Range, another significant aspect of this area, makes it one of the few Great Basin ranges that experienced glaciation during the most recent Ice Age that ended some 8,000 to 10,000 years ago. A remnant Ice field exists near Wheeler Peak from what was one of the largest \*\*5320 glaciers, in the Great Basin, unique not only to the Snake Range but also the region as a whole.

The Great Basin physiographic region consists of a multitude of valleys separated by a series of long, parallel, north-south mountain ranges. The basin is immense and includes most of Nevada, half of Utah, and portions of Oregon, Idaho, and California.

The Great Basin has attracted private and federal interests for its mineral deposits, oil and gas resources, geothermal potential, grazing and farming opportunities, suitabil-

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ity for military testing, \*4 and more recently the proposed MX missile system. State and federal agencies and the private sector have been involved in promoting and preserving some of the basin's most significant attributes and providing recreational, educational, and interpretive opportunities.

Lehman Caves National Monument was established in 1922 under the jurisdiction of the U.S. Department of Agriculture. In 1924 a legislative proposal was made to expand this area by adding Wheeler Peak and establishing it as a national park. However, due to insufficient support, the legislation was dropped. The National Park Service did not become involved again until 1933 when Lehman Caves National Monument was transferred from the U.S. Department of Agriculture to the U.S. Department of the Interior. The monument is located within the proposed park boundary. Services at the monument include a visitor center and office building complex, a small gift shop and coffee shop, a cave trail, a 30-site picnic area, restroom facilities, and a water system.

In 1955 another proposal was made to enlarge the national monument by including adjacent national forest land and designating the area as Great Basin National Park. At the request of Congress in 1958, the Park Service evaluated the area and determined that it qualified for national park status. Between 1959 and 1965 several bills were introduced in an attempt to add the area to the National Park System, but none were successful.

In 1973 the Park Service initiated a study to inventory, and list by priority, natural features in the Great Basin with potential for nomination to the National Registry of Natural Landmarks. The study was also to recommend an area that could be added to the National Park System as Great Basin National Park. In 1975 the completed landmark study suggested four potential areas: Snake Range, Railroad Valley, Monitor Valley, and White Mountains. In 1977 these recommendations were transmitted to Congress.

In 1981, the National Park Service completed a study of alternatives of the Snake Range/Spring Valley Study Area based on a winnowing of other areas that represent the natural and cultural themes that represent the Great Basin.

The transfer of land from the Forest Service would make available to park visitors two primitive campgrounds, a trailer campground with 11 developed sites, three other campgrounds with a total of 81 developed sites, and restroom facilities.

There is no private ownership of the surface estate inside the proposed park boundary. There may be mining claims, however, which would be identified in the land protection plan developed by \*\*5321 the Park Service. Such plan would indicate what, if any, interest in lands must be acquired. However, the legislation prohibits acquisition except with the consent of the owner.

There are seven different grazing allotments within the entire 174,000-acre South Snake Range Unit of the Humboldt National Forest. Within all seven allotments, there are six cattle permits totaling 571 heads of cattle, or 2,583 animal unit months (AUM's), and there are two sheep permits totalling 2,437 sheep, or 1,843 AUM's. Portions of six of these allotments are within the 44,000-acre proposed park boundary.

#### \*5 LEGISLATIVE HISTORY

S. 2506 was introduced by Senator Hecht and Senator Laxalt on May 21, 1986. The Subcom-

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mittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on July 18, 1986. The House of Representatives has approved the establishment of the Great Basin National Park and Preserve as a provision in H.R. 3302.

At a business meeting on September 17, 1986, the Senate Committee on Energy and Natural Resources ordered S. 2506, as amended, favorably reported.

#### COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 17, 1986, by unanimous voice vote of a quorum present recommends that the Senate pass S. 2506, if amended, as described herein.

#### COMMITTEE AMENDMENT

The Committee adopted an amendment in the nature of a substitute that adds a standard provision on the legal description of the park and provides for the filing of the legal description. The substitute also abolishes the Lehman Caves National Monument and encompasses the former monument lands into the proposed park and transfers any available funds to the park.

The substitute provides that the establishment of the park does not establish any new reservation of water or water rights, and clarifies that whatever water rights the United States has on the lands described in section 2 of the Act prior to the establishment of the park are retained, and that any appropriation of water will be done under the established law in the State of Nevada.

The substitute authorizes the Secretary to enter into cooperative agreements with other groups and agencies to provide for the interpretation of the Great Basin physiographic region.

Finally, the authorization for appropriation was modified to authorize \$800,000 for development and \$200,000 for land acquisition.

#### SECTION-BY-SECTION ANALYSIS

Section 2(a) establishes the Great Basin National Park.

Section 2(b) provides for an official map of the park and provides for the filing of the map.

**\*\*5322** Section 2(c) provides for the filing of a legal description.

Section 2(d) abolishes the Lehman Caves National Monument and incorporates it within the proposed park.

Section 3(a) provides for the administration of the park.

Section 3(b) provides for the permitting of fishing within the park and for the closure authority by the Secretary and consultation with the State of Nevada.

Section 3(c) provides for the preparation of a management plan for the park and consultation with the State of Nevada.

Section 3(d) is self-explanatory.

Section 3(e) provides that grazing is to continue in the park subject to constraints im-

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posed by the Secretary to ensure proper \*6 rangeland management practices. The Secretary is not expected to take any action restricting grazing unless it is in furtherance of sound rangeland management. Since grazing is an integral part of the history of the Great Basin, it should be an element of the park's interpretive program.

The Secretary will promulgate regulations to manage grazing within the park. The regulations are to be compatible with the grazing regulations of the Forest Service, and may be revised from time to time as appropriate to keep them compatible with the Forest Service's grazing regulations.

The Committee recognizes that lands inside the park are often used for summer grazing, when grazing is not practical at lower elevations outside the park. Many ranches operate on the basis of a dual range, moving cattle to the lower elevations in winter, and the higher elevations in summer. Having allotments in areas varying in elevation is therefore essential to the economic viability of a year-round grazing operation in this region.

Since the Forest Service, and now through this Act, the National Park Service, tends to manage the higher elevation land in the South Snake Range, and the Bureau of Land Management tends to manage land at lower elevations, a grazing permittee often must work with more than one agency. The Committee expects all the Federal land management agencies to coordinate their regulation of grazing.

Section 3(f) provides for voluntary exchange of grazing privileges. The Committee realizes that at the present time there may be little practical effect of this subsection, because all available grazing areas are already held by permittees and there is therefore nothing for an allottee inside the park to receive in exchange for his current allotment. However, this provision is in the bill in order to allow the Secretary or the allottees inside the park to take advantage of any opportunities that may arise in the future. Neither the allottee nor the Secretary can be forced to participate in an exchange. Grazing exchanges can involve BLM land as well as Forest Service land. Grazing improvements may also be used to help accomplish an exchange.

Section 3(g) provides for the maintenance of water improvements in the park. The Committee understands that regular maintenance of various water improvements, such as, but not limited to, springs, channels, pipelines, ditches, and watering ponds are essential to \*\*5323 continued grazing. These facilities are to be maintained by the permittee, if the permittee paid for them, or by the Secretary, if they were constructed with federal funds. The Secretary is to ensure access to these improvements for maintenance purposes, including the reasonable and necessary use of motorized vehicles.

Section 3(h) provides that the establishment of the park does not establish any new reservation of water or water rights, and clarifies that whatever water rights the United States has on the lands described in section 2 of the Act prior to the establishment of the park are retained, and that any future appropriation of water will be done under the established law in the State of Nevada.

Section 3(i) provides the National Park Service with the authority necessary to seek agreements with others to interpret the Great Basin region.

\*7 Section 4(a) provides for land acquisition authority for the Secretary and provides that no lands or interests may be acquired without the owner's consent.

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Section 4(b) transfers administration of the lands, waters and interest from the Department of Agriculture to the Department of the Interior.

Section 5 provides for the authority of funds for development and land acquisition.

The Committee deliberately excluded from the park a patented mining claim in the Mt. Washington area. The Committee's intention is that the establishment of the park will in no way affect mining operations on this patented mining claim. Further, the Committee expects that development of other patented claims outside the park, or any unpatented claims outside the park, will not in any way be affected by the establishment of the park.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2506. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2506, as reported.

#### \*\*5324 EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 2506 are set forth below. The report from the Department of Agriculture had not been received at the time the report on S. 2506 was filed. When the report becomes available, the chairman will request that it be printed in the Congressional Record for the advice of the Senate.

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, DC, July 24, 1986.

Hon. JAMES A. McCLURE,  
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington,  
DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 2506, a bill 'To

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establish a Great Basin National Park in the State of Nevada, and for other purposes.'

\*8 We support the enactment of S. 2506.

S. 2506 is a balanced proposal, one that provides for protection of the natural resources that make up the Great Basin region while at the same time is sensitive to the needs of the people who have traditionally used the area. The boundary proposed by S. 2506 has been carefully drawn to include spectacular resources while excluding patented mining claims and the wintering range of the mule deer. This should help reduce the cost of this national part, and makes it acceptable to us, unlike other proposals put forward which we could not support.

For example, the House-passed proposal in H.R. 3302, the Nevada wilderness bill, encompasses a much larger area, one with problems in both transfer and management. The resource use conflicts and private land acquisition resulting from such wholesale park authorizations have, in other areas, contributed to unending disputes over management and availability of funding to acquire land. We wish to avoid saddling any new park with such a burden. S. 2506 avoids those problems for this area.

S. 2506 would authorize the transfer of approximately 44,000 acres of land located in the South Snake Range Unit of the Humboldt National Forest to the National Park Service and would establish the Great Basin National Park. Grazing would continue subject to such terms and conditions deemed necessary for good range management. Grazing permittees would be able to request the Secretary of Agriculture to negotiate an exchange of their grazing allotment out of the park. The bill includes a disclaimer with respect to the establishment of United States water rights, and it requires that any land be acquired only with the consent of the owner.

There are many outstanding resources in the Great Basin physiographic region which covers so much of Nevada. Central to S. 2506 are the very special resources around the Wheeler Peak area, especially the bristlecone pine growing at the timberline. The bristlecone \*\*5325 pine is believed to be the oldest living species of tree, older than the giant sequoia and the redwood. The unusually high elevation of the Snake Range, another significant aspect of this area, makes it one of the few Great Basin ranges that experienced glaciation during the most recent Ice Age that ended some 8,000 to 10,000 years ago. A remnant ice field exists near Wheeler Peak from what was one of the largest glaciers in the Great Basin, unique not only to the Snake Range but also the region as a whole.

It is fitting that these resources should be included within the Great Basin National Park boundaries, as proposed by S. 2506, in order to provide for their protection, interpretation, and public enjoyment. Had it not been for the stewardship of the professionals of the U.S. Forest Service and the people of Nevada, the integrity of these resources could have been compromised. Their respect for these unique features and their investment in the conservation of this resource have enabled us to recommend the creation of Great Basin as America's newest national park. The beauty of these magnificent resources has been truly a source of pride for the people of Nevada, and it will now be shared with the Nation.

Further, we note that this park, upon enactment of S. 2506, could begin operation immediately. Existing funding, personnel, and facilities \*9 at Lehman Caves National Monument

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are already located within the proposed park boundary, any can form the nucleus of services for the new park. Immediately available to the park visitors, therefore, would be an existing visitor center and office building complex, a small gift shop and coffee shop, a cave trail, a 30-site picnic area, restroom facilities, and a water system. Further, as a result of the transfer of land from the Forest Service, there would also be available to visitors two primitive campgrounds, a trailer campground with 11 developed sites, three other campgrounds with a total of 81 developed sites, and restroom facilities. With this infrastructure in place, plus the fact that the area proposed by S. 2506 is already Federally-managed, we believe that the new national park can be established without significant increased cost to the taxpayer.

There are three other issues that we would like to address: First, the authorization for further development; second, the authorization for land acquisition; and third, the issue of grazing.

As mentioned above, this park already contains limited visitor facilities. Uses in the area of the new park should, therefore, remain essentially the same as now. We would nevertheless propose to prepare a general management plan, which includes public involvement, to help guide the future management of this national park and to identify any desired or needed future facilities. The close working relationship between the staff of this new national park and the adjacent communities will certainly be vital to a successful operation. It is important that we be candid in advising you, the Congress, and the communities, however, that it is unlikely that the National Park Service will be in a position to fund additional facilities for the foreseeable future. Support for this new park should be founded on the propriety and suitability of this area as a park and not on the basis of unredeemable promises of increased tourism and facilities.

**\*\*5326** With regard to land acquisition, we understand that there is no private ownership of the surface estate inside of the proposed boundary in S. 2506. There may be valid mining claims, however, which constitute an interest in land. We can develop a land protection plan that will identify all valid interests in these lands. The land protection planning process, of course, will also involve the public. We will seek a consensus regarding the appropriate level of protection, and what, if any, interests in lands must be acquired.

With regard to the issue of grazing, we understand there are seven different grazing allotments within the entire 174,000-acre South Snake Range Unit of the Humboldt National Forest. Within all seven allotments, there are six cattle permits totalling 571 head of cattle, or 2,583 animal unit months (AUM's), and there are two sheep permits totalling 2,437 sheep, or 1,843 AUM's. Portions of six of these allotments are within the 44,000-acre proposed park boundary. The bill's approach to the grazing issue appears to be fair and equitable, but it may not be easy to work out. We have been informed by the Forest Service that negotiating exchanges for allotments now in the proposed park may not be practical since all allotments within the Humboldt National Forest are currently under permit. Therefore, we would like to work with the Department of Agriculture and the Senate Committee on Energy and Natural **\*10** Resources to develop some alternative measures by which the grazing issue can be resolved in the statute. In any case, a statutory provision for continued grazing should be considered, and continued grazing should not preclude

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designation of this area as a national park.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,

Deputy Assistant Secretary.

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